

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2000:

Present

Vote

Walter C. Zaremba, Chair  
James S. Burgett, Vice Chair  
Sheila S. Noll  
Donald E. Wiggins  
Melanie L. Rapp

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE APPLICATION NO. UP-556-00 WHICH REQUESTS A USE PERMIT TO AUTHORIZE THE EXPANSION OF A NONCONFORMING USE LOCATED AT 715 LAKESIDE DRIVE (ROUTE 620)

WHEREAS, Peninsula Hardwood Mulch, Inc. has submitted Application No. UP-556-00, which requests authorization pursuant to Section 24.1-801(a)(2) of the Zoning Ordinance to expand a nonconforming use by adding a mulch processing operation to the Peninsula Hardwood Mulch, Inc. business located at 715 Lakeside Drive (formerly 105 Lakeside Drive) (Route 620). The property is zoned RC-Resource Conservation and is further identified as Assessor's Parcel No. 30-62; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this \_\_\_\_ day of \_\_\_\_, 2000, that Application No. UP-556-00 be, and it is hereby,

approved to authorize the expansion of a nonconforming use located at 715 Lakeside Drive (formerly 105 Lakeside Drive) (Route 620), subject to the following conditions:

1. This use permit shall authorize the expansion of a nonconforming use by adding a mulch processing operation located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62.
2. The mulch processing operation shall be confined to the limits and boundaries established on the concept plan entitled "Proposed Mill and Truck Dump" and dated February 28, 2000.
3. A landscaped berm shall be connected to the existing berm along the eastern boundary of the property, supplemented immediately with a row of evergreen planting material that, within a five (5) year period from the date of approval of this application, will create a solid screen along the eastern boundary of the property in a design configuration that, in the opinion of the Zoning Administrator, effectively screens from view the mulch processing and soil screening activities from the Winder's Pond subdivision .
4. A row of evergreen planting material screen shall be established immediately that, within a five (5) year period from the date of approval of this application, creates a solid along the western boundary of the property in a design and configuration that, in the opinion of the Zoning Administrator, effectively screens from view the mulch processing and soil screening activities from the Lakeside Forest and York Crossing residential developments.
5. The hammer mill unit shall be enclosed with a sound proofing material that is kept in good repair or shall include other noise attenuation devices that, in the opinion of the Zoning Administrator, accomplish the same objective. Replacement of either the existing soil or mulch machine shall require review and approval by the Zoning Administrator. Prior to the commencement of this use permit, the applicant shall provide a noise study, prepared by an expert in the field acceptable to the Zoning Administrator, that shall establish a baseline noise level along the perimeter of the property. The established baseline noise levels shall not increase as a result of the proposed mulch processing and existing soil screening activities that are conducted as part of the approved application.
6. The Department of Environmental and Development Services shall approve a stormwater management plan to be submitted by the applicant.
7. The hours of operation of the combined activities, i.e., the mulch processing and soil screening activities, shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m. These operations shall not be conducted on Sundays.
8. The Zoning Administrator shall approve a dust suppression and management plan to be submitted by the applicant.

9. Tractor-trailer traffic associated with the mulch processing operation shall not exceed sixty (60) deliveries and pick-ups to the site per week. The applicant is required to keep a log available for County inspection indicating the total number of tractor-trailer deliveries to the site.
10. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.